

The Meeting commenced at 4.30pm.

IN ATTENDANCE

Administrators Mr Frank Willan (Chairman), Ms Lucy Turnbull, Mr Max Boyd.

Also present were Mr Noel Hodges (Director Planning & Development), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Don Buckley (Director Environment & Community Services), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Manager Risk and Human Resources/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary)

ABORIGINAL STATEMENT

Administrator Willan acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the original custodians of these lands."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Pastor Andrew Brown:

*"It is the LORD who gives wisdom; from him come knowledge and understanding."
Proverbs 2:6 (Today's English Version)*

"Lord God, as we convene this council meeting today, we acknowledge you as the very source and definition of wisdom. We ask that your wisdom and fairness might win out in every point of business that is up for discussion this afternoon. "Soli deo Gloria" - may the honour be yours alone. Amen."

WELCOME

Administrator Frank Willan introduced Troy Green, the Director Technology & Corporate Services, who commenced with Council on 30 January 2007. Council is pleased and excited to have Troy on board.

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held Tuesday 23 January 2007

16 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 23 January 2007 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

It was noted that Mr Mike Rayner (General Manager) was not present at the meeting, due to being out of the Shire on Council business.

DISCLOSURE OF INTEREST

Nil.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

PLANNING COMMITTEE

17 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that Council resolves itself into the Planning Committee under the Chairmanship of Administrator Turnbull.

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

1 [PD-PC] Development Application DA06/1462 for Alterations to Unit 301 at Lot 39 SP 77096, No. 39/2-6 Pandanus Parade Cabarita Beach

The following persons addressed the Planning Committee on this matter:

Mr Scott Fitzpatrick
Mr Adam Slijderink (Resort Corp)

P 13 COMMITTEE DECISION:

Administrator Turnbull
Administrator Willan

RECOMMENDED that Development Application DA06/1462 for alterations to Unit 301 at Lot 39 SP 77096, No. 39/2-6 Pandanus Parade Cabarita Beach be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans entitled "The Beach, Cabarita Apartment 301 Enlarged Balcony prepared by dated 22nd November 2006, except where varied by the conditions of this consent. [GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. Notwithstanding the reduction in physical size of the planter box, landscaping within the modified planter box shall be in accordance with the planting schedule as shown on the landscaping plan and approved under DA03/1221.
4. The shade sail shall be erected in a position that eliminates any potential for direct line of sight between the extended balcony area of Unit 301 and the main indoor living area or outdoor entertaining area of the neighbouring dwelling to the south. [GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction

Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

PRIOR TO COMMENCEMENT OF WORK

6. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

7. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

8. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be

erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

DURING CONSTRUCTION

9. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

10. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

11. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

12. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

13. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

FOR VOTE - Administrator Turnbull, Administrator Willan

AGAINST VOTE - Administrator Boyd

- 2 [PD-PC] Development Application DA06/1189 for Replacement of a Traffic Bridge Incorporating a Pedestrian/Cycleway Path over Cudgen Creek at Lot 1 DP 1095491, Casuarina Way, Kingscliff

P 14 COMMITTEE DECISION:

Administrator Boyd

Administrator Willan

RECOMMENDED that Development Application DA06/1189 for a replacement of traffic bridge incorporating a pedestrian/cycleway path over Cudgen Creek at Lot 1 DP 1095491, Casuarina Way Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No's WK04015/01, WK04015/03 -18, and WK04015/50-51, prepared by Tweed Shire Council Design Unit and dated August 2006, except where varied by the conditions of this consent.

[GEN0005]

2. Riparian vegetation shall not be lopped, damaged or removed except for those trees identified in the Statement of Environmental Effects, as strictly necessary to complete the approved works.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to The General Manager or his delegate for approval.

[PCC0465]

PRIOR TO COMMENCEMENT OF WORK

4. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

- 5. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

[PCW0985]

- 6. At least one month prior to the closure of the vehicle bridge, all residents and landowners who were notified of this development application shall be notified in writing of the pertinent closure. Additionally, a notice shall be advertised in the Tweed Link for a period of two months prior to closure of the bridge to vehicles.

[PCWNS01]

DURING CONSTRUCTION

- 7. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

- 8. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
[DUR0215]
9. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate.
[DUR0225]
10. All pumps used for any onsite dewatering operations shall be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
[DUR0235]
11. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.
[DUR0415]
12. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
[DUR0645]
13. On completion of the filling work, all topsoil to be re-spread and the site to be grassed and landscaped.
[DUR0755]
14. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of the Director of Environment and Community Services.
[DUR0985]
15. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]

16. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
[DUR1025]
17. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
[DUR1795]
18. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
[DUR2185]
19. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA.
[DUR2215]
20. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
[DUR2375]
21. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.
[DUR2405]
22. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate.
[DUR2425]
23. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.
[DUR2435]
24. All transport trucks shall cover loads during transport and stockpile and disturbed areas shall be watered to prevent dust nuisance.
25. All chemicals and fuels shall be stored a minimum of 50 metres from the creek bank. Potentially polluting materials shall not be permitted to discharge, flow or percolate into the creek.

26. A suitably qualified person shall monitor the work area for radioactive materials during earth works. Should radiation levels exceed NSW Health Action Levels, then works shall cease and a remediation action plan be submitted to Council for approval. All works shall comply with that approved plan.
27. Upon completion of works and prior to use of the new bridge or approaches a post earthworks surface radiation validation statement shall be provided to Council, to the satisfaction of the Director of Environment and Community Services, which establishes that radiation levels are within NSW Health Action Levels and the site is suitable for the proposed use. The statement shall also provide details of radiation levels encountered and recorded during earthworks.
28. All works shall comply with the Plan of Management (Tweed Shire Council, September 2006), including the environmental management and monitoring measures identified therein.

[DURNS01]

USE

29. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
30. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises.
31. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.
32. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE0125]

[USE0205]

[USE0875]

[USE1035]

GENERAL TERMS OF APPROVAL UNDER THE FISHERIES MANAGEMENT ACT

1. A permit under s198-202 of the *Fisheries Management Act* 1994 for dredge and reclamation activities be obtained prior to commencement of the works.
2. A permit under s205 of the *Fisheries Management Act* 1994 for harm to marine vegetation (seagrass, mangroves, kelp) be obtained prior to commencement of the works.
3. Environmental safeguards (silt curtains, booms etc.) are to be utilised during construction / installation of the revetment wall to ensure there is no escape of

turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works.

4. Sand, gravel, silt, topsoil or other materials must not be stockpiled within 50 metres of the water unless surrounded by sediment control measures.
5. Driving of piles is to be undertaken from the riverbank, or in the instance of centre piles from a 'temporary bridge platform' as outlined in the planning documentation so as to avoid triggering sections 219-220 of the *Fisheries Management Act* 1994 which requires appropriate fish passage be provided.
6. That a marine vegetation compensatory plan off-setting at a ratio of 2:1 (better) the 89m² of saltmarsh - a threatened ecological community be developed and implemented. Implementation of the compensatory plan is to have commenced, within one year of the date of the determination of the DA, and the plan is to be implemented to the satisfaction of the Senior Fisheries Conservation Manager (North) DPI.

FOR VOTE - Unanimous

- 3 [PD-PC] Development Application DA06/1217 for the Demolition of Existing Building and Erection of Six (6) Storey Multi-Dwelling Housing Comprising 6 x Two-Bedroom Apartments and 3 x Three-Bedroom Apartments With Basement Car Parking at Lot 96 DP 237806,**

The following person addressed the Planning Committee on this matter:

Mr Keith Pellowe

P 15 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Development Application DA06/1217 for the demolition of existing building and erection of six storey multi-dwelling housing comprising 6 x 2 bedroom apartments and 3 x 3 bedroom apartments with basement car parking at Lot 96 DP 237806, No. 13 Ivory Crescent Tweed Heads be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos:
 - 01.6 B prepared by Pat Twohill Designs Pty Ltd and dated 28/11/2006,
 - 01.7 B prepared by Pat Twohill Designs Pty Ltd and dated 28/11/2006,
 - 01.8 A prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
 - 01.9 A prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
 - 01.10 A prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,

- 01.11 A prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
- 01.12 A prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
- 01.13 A prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
- 01.15 prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
- 03.5 prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
- 03.6 prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
- 03.7 prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
- 03.8 prepared by Pat Twohill Designs Pty Ltd and dated 20/11/2006,
- 01.14 prepared by Pat Twohill Designs Pty Ltd and dated 11/10/2006,
- 04.1 prepared by Pat Twohill Designs Pty Ltd and dated 11/10/2006,

except where varied by the conditions of this consent.

[GEN0005]

2. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
[GEN0045]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]
5. A Construction Certificate approval is to be obtained for all proposed pre-cast concrete panel fencing of any height and masonry fencing in excess of 1.2 metres in height, prior to any construction of the fence being commenced.

Site specific design details or approved generic details prepared by a practicing structural engineer are required to be submitted and approved as part of the Construction Certificate application.

Such structural engineers design details are to confirm that the fence proposal has been designed to take account of all site issues including the site's soil and load bearing characteristics, wind and other applied loadings, long term durability of all components particularly in relation to corrosion and compliance with Tweed Shire Council's policies for "Sewers - Building in Proximity" and provision of appropriate pedestrian sight clearances to footpaths in accordance with Australian Standard AS2890 "Parking Facilities".
[GEN0145]

6. All waters pumped from the site in the de-watering process are to be treated with an effective deodoriser to the satisfaction of Council's Director of

Environment and Community Services to neutralise any offensive odours. The point of discharge shall also be approved by Council's Director of Environment and Community Services prior to installation and shall include a water-sampling outlet.

[GENNS01]

7. All works shall be undertaken in accordance with the *Preliminary Acid Sulfate Soil Investigation & Dewatering Management Plan for Ivory Crescent, Tweed Heads* prepared by HMC Environmental Consulting Pty Ltd dated October 2006 (Report No: 2006.142A).

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 2.6m AHD in accordance with DCP5 - Development of Flood Liable Land. A detailed design of the basement stormwater pump out system is to be provided designed for a storm event with a 10 year average return interval (ARI 10) and the consequences of pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate.

[PCC0685]

9. The developer shall provide 15 parking spaces including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0065]

10. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan: \$5,667
S94 Plan No. 4 (Version 4.0)
Sector1_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

\\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

- (b) Open Space (Structured): \$3,810
S94 Plan No. 5
- (c) Open Space (Casual): \$814
S94 Plan No. 5
- (d) Shirewide Library Facilities: \$3,362
S94 Plan No. 11
- (e) Eviron Cemetery/Crematorium Facilities: \$679
S94 Plan No. 13

(f) Community Facilities (Tweed Coast - North) S94 Plan No. 15	\$3,346
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$979
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$6,197.07
(i) Cycleways S94 Plan No. 22	\$1,718
(j) Regional Open Space (Structured) S94 Plan No. 26	\$11,361
(k) Regional Open Space (Casual) S94 Plan No. 26	\$4,176
(l) Tweed Heads Master Plan: S94 Plan No. 27	\$9,423.00

[PCC0215/PSC0175]

11. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP4:	4.01 ET @ \$4598	\$18,438
Sewer Banora:	6.5 ET @ \$2863	\$18,610

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0265/PSC0165]

12. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority.

Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

13. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

14. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be maintained wholly within the subject land. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

15. The site is to be filled to a minimum level of RL 2.6m AHD. The fill is to be retained by perimeter structural walls with concrete lined perimeter drainage or other approved treatment. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimizing the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0675]

16. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) The habitable area of the building is to be at a level no less than 300mm above the design flood level of RL 2.6m AHD.
 - (b) All building materials used below Council's design flood level must not be susceptible to water damage.
 - (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.
 - (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.
- [PCC0705]
17. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -
- (a) vehicular access in accordance with Council's adopted standards.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings
 - Stormwater drainage
 - Water and sewerage works
 - Sediment and erosion control plans
 - Location of all services/conduits
 - Traffic control plan
- [PCC0895]
18. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

[PCC1105]

19. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils adopted Development Design and Construction Specification - Stormwater Quality.

[PCC1125]

20. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

21. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

22. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. OSD devices including discharge control pits (DCP) are to comply with standards in *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999"* except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP.

Minimum site storage requirements for the OSD system shall be 30m³.

[PCC1165]

23. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PCC1185]

24. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

25. All surface waters, other than roofwater shall be directed to Council approved pre-treatment facilities before discharge to sewer. Details are to be submitted to and approved by Tweed Shire Council.

[PCC1245]

26. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

27. Prior to the issue of the Construction Certificate, a landscaping plan shall be submitted to Council which is to be prepared to the satisfaction of Council's Director of Planning and Development.

[PCCNS01]

28. Prior to the issue of a Construction Certificate, the applicant must prepare and submit to the satisfaction of Council's Director of Planning and Development a colour palate for the external colours of the building. Colours such as those nominated by DCP No. 18 are to be used.

[PCCNS02]

- 28A. The western façade of the proposed development is to be redesigned to provide for greater articulation and enhanced visual appearance from the adjoining property. The redesigned plans and architectural treatment is to be submitted and approved by the General Manager or his delegate.

PRIOR TO COMMENCEMENT OF WORK

29. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
30. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

31. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:

- * in the name and licence number of the principal contractor, and
- * the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- * the name of the owner-builder, and
- * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

32. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

33. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

34. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of

a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

35. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

36. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.

[PCW1165]

37. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
- ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0080]

38. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

39. Sewer main, stormwater line or other underground infrastructure within or adjacent to the site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works. [PCW0965]
40. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations. [PCW0125]

DURING CONSTRUCTION

41. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications. [DUR0005]
42. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
- Monday to Saturday from 7.00am to 7.00pm
- No work to be carried out on Sundays or Public Holidays
- The proponent is responsible to instruct and control subcontractors regarding hours of work. [DUR0205]
43. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building. [DUR0245]
44. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made). [DUR0375]
45. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0395]
46. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0405]
47. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work

is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

48. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

49. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

50. All demolition works are to be carried out in accordance with the Demolition Report submitted by Darryl Anderson Consulting Pty Ltd dated October 2006, together with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0645]

51. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

[DUR0655]

52. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
53. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
54. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction and demolition.
- [DUR2185]
55. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- [DUR2485]
56. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
- [DUR2495]
57. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
58. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]
59. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- [DUR2525]

60. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

61. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

62. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

63. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).

[DUR2615]

64. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole.

[DUR2655]

65. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.

[DUR1965]

66. The provision of 15 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.

[DUR0085]

67. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
- [DUR0215]
68. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate.
- [DUR0225]
69. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.
- [DUR0675]
70. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
- [DUR0815]
71. Provision to be made for the designation of 1 durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
- [DUR0975]
72. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council.
- [DUR0985]
73. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.
- [DUR0995]

74. Building materials used below Council's minimum floor level of RL 3.1m AHD shall be flood compatible. [DUR1405]
75. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices. [DUR1415]
76. The habitable floor area of the building is to be at a level not less than RL 3.10m AHD. [DUR1435]
77. The concrete footpath is to be saw cut and removed to facilitate the construction of the concrete driveway access. [DUR1745]
78. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works. [DUR1795]
79. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken. [DUR1845]
80. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed. [DUR1905]
81. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary. [DUR2205]
82. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection. [DUR2445]
83. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act. [DUR2625]

84. All pumps used for onsite dewatering operations shall be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises, and be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation. [DUR0235]
85. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the General Manager or his delegate. [DUR0255]
86. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]
87. Prior to any works commencing, appropriate measures are to be put in place to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event. [DUR2405]
88. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
89. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request. [DUR2435]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

90. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0205]
91. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

92. A survey certificate signed by a registered surveyor is to be submitted to the PCA at floor stage to certify that the habitable floor level of the building to be at a level of not less than RL 3.1m AHD.

[POC0565]

93. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

94. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

95. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

96. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

97. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[POC0475]

98. Redundant road pavement, kerb and gutter or foot paving including and existing disused vehicular laybacks/driveways or other special provisions shall be reinstated in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

99. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

USE

100. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0435]

101. A Strata Certificate shall not be issued for a Strata Plan or a Strata Plan of Subdivision unless the provision of the Strata Schemes (Freehold Development) Act 1973 and/or the Strata Schemes (Leasehold Development) Act 1986 have been complied with.

[USE1235]

102. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0125]

103. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

104. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.

[USE0235]

105. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

106. The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

[PSC1165]

107. Electricity

(a) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and

(b) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[PSC1185]

GENERAL TERMS OF APPROVAL UNDER SECTION 116 OF THE WATER ACT 1912 (Licence to commence sinking a bore to enlarge, deepen or alter a bore)

1. Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
11. All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
12. Works for construction of bores must be completed within such period as specified by the Department.

13. Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.
14. Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
15. Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
16. The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands
17. The work shall be managed in accordance with the constraints set out in the "Preliminary Acid Sulfate Soil Investigation and Dewatering Management Plan" produced by HMC Environmental Consulting dated October 2006 Report No.2006.142A presented as Annexure J of the Statement of Environmental Effects for the proposed development.
18. The volume of groundwater extracted as authorised must not exceed 5 megalitres.
19. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
20. The licence shall lapse within **six (6)** months of the date of issue of the licence.

FOR VOTE - Unanimous

- 4 **[PD-PC] Development Application DA06/1027 for the Demolition of Existing Structures and Establishment of a Service Station at Lot 1 DP 207188; Lot 1 DP 780342; Lot 1 DP 780345; Lot 1 DP 780344, No. 98-102 Minjungbal Drive Tweed Heads South**

P 16 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA06/1027 for the demolition of existing structures and establishment of a service station at Lot 1 DP 207188; Lot 1 DP 780342; Lot 1 DP 780345; Lot 1 DP 780344, No. 98-102 Minjungbal Drive Tweed Heads South be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos:
 - 0637-D02 Rev A prepared by TFA Project group and dated 28/08/2006,
 - 0637-D03 Rev A prepared by TFA Project group and dated 29/08/2006,
 - 0637-D05 Rev A prepared by TFA Project group and dated 29/08/2006,
 - 0637-D07 Rev A prepared by TFA Project group and dated 29/08/2006,
 - 0637-D08 Rev A prepared by TFA Project group and dated 29/08/2006,except where varied by the conditions of this consent. [GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]

4. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts. [GEN0075]

5. Advertising structures/signs to be the subject of a separate development application, where statutorily required. [GEN0065]

6. The development is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications. [GEN0125]

7. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new

driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0045]

8. All signage is to be a maximum height of 8 metres above the ground as per State Environmental Planning Policy No. 64 - Advertising and Signage.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

10. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to the General Manager or his delegate for approval.

[PCC0465]

11. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate. The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

12. Prior to the Construction Certificate being issued, a site management plan outlining the proposed ongoing groundwater and offensive and /or noxious vapour monitoring and management regime shall be submitted to the satisfaction of Council's Director of Environment and Community Services. The plan shall be in general accordance with Proposed Site Layout plan prepared by TFA Project Group dated 25/05/2006 (Drawing No. 0637-D02 Rev B).

[PCCNS01]

13. Any site/carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

[PCC0055]

14. The developer shall provide 5 parking spaces including parking for the disabled in accordance with Development Control Plan No. 2 - Site Access and Parking Code, AS 2890 and Austroads Part 11. Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

The proposed advertising signage (pylon) located at the exit point shall be designed to meet the minimum sight distance requirements of AS 2890. Adequate street lighting shall be provided at the entry and exit points of the development site in accordance with the relevant Australian Standard.

[PCC0065]

15. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan: \$36,788
S94 Plan No. 4 (Version 4.0)

Sector2_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be maintained wholly within the subject land. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

19. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling in local drainage. Detailed engineering plans shall be submitted with a S68 Stormwater Application for Council approval prior to the issue of a construction certificate. Filling shall grade towards Minjungbal Drive or alternative approved stormwater system.

[PCC0585]

20. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) All building materials used below Council's design flood level of 2.6m AHD must not be susceptible to water damage.
- (b) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.
- (c) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

21. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

22. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) Provision of separate entry exit points in accordance with Councils adopted standards.
- (b) Removal and reinstatement of barrier kerb for any disused access points along the development site frontage.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings

- Stormwater drainage
 - Water and sewerage works
 - Sediment and erosion control plans
 - Location of all services/conduits
 - Traffic control plan
23. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for the proposed 3m high (block) vapour wall, including a certificate of sufficiency of design prior to the determination of a construction certificate. [PCC0895]
- The detail shall include the structural foundation bridging of the existing sewer main and ensure future maintenance of the main does not require the removal of the wall. [PCC0935]
24. Any building or structure classified under the Building Code of Australia and not included within Councils DCP 40 - Exempt and Complying Development, separate development/construction certificate approvals shall be required. [PCC0995]
25. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Runoff from exposed/uncovered driveway, car parking and hardstand areas shall be collected in a piped system and treated to remove oil and sediment pollutants. Proprietary treatment devices shall be sized in accordance with Section D7.12 of Development Design Specification D7 - Stormwater Quality, with detailed engineering plans for these devices including maintenance schedules, to be submitted with a s68 Stormwater Application for Council approval prior to the issue of a Construction Certificate. Litter baskets/screens must be installed on inlet pits to capture gross pollutants in accordance with Section D7.11-1
 - (ii) Roof runoff from the service station building and canopy does not require treatment and should be discharged downstream of any treatment devices in the internal stormwater system.

- (iii) The undercover fuel bowser area shall be adequately bunded to prevent stormwater contamination. All runoff from the undercover catchment must be treated and disposed of to sewer as trade waste, requiring a separate trade waste application.

[PCC1105]

26. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

27. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

28. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

The development site contains a public sewer. This service must be protected from damage due to excessive loading or excavation during construction. No interruption to sewerage services is permitted without prior written approval of Council. Car park works (including pavement construction, sealing and kerbing) are permitted over the sewer. The proposed air and water service facility must be set back at least 1m horizontally from the sewer pipe.

[PCC1235]

PRIOR TO COMMENCEMENT OF WORK

29. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
- (i) appointed a principal certifying authority for the building work, and

- (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (iii) the principal certifying authority has, no later than 2 days before the building work commences:
 - (iv) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (v) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
30. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
31. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
32. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

33. Sewer main, stormwater line or other underground infrastructure within or adjacent to the site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works. [PCW0965]
34. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority. [PCW0985]
35. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works. [PCW1005]
36. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site. [PCW1065]
37. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations. [PCW0125]
38. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed. [PCW0005]
39. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans. [PCW0015]
40. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges. [PCW1075]
41. An Approval to Install a Waste Treatment Device shall be obtained prior to the commencement of the installation of the facility. [PCW1105]

DURING CONSTRUCTION

42. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

43. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0245]

44. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

45. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

46. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

47. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

48. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

49. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction and demolition.

[DUR2185]

50. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;

- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building. [DUR2485]
51. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR2495]
52. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR2545]
53. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR2555]
54. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.
Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole. [DUR2655]
55. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures", the relevant requirements of the WorkCover Authority and the demolition works plan prepared by D & L Long Demolition. [DUR0645]
56. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos. [DUR0655]
57. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in

accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

[DUR0675]

58. Footings to the concrete block vapour wall, where it crosses Council's sewer main or is located adjacent to Council's sewer main, shall be pierced to below the zone of influence of the sewer main. The piers shall be no closer than 1.0 m to the sewer main and shall be designed by a practising structural Engineer so that the footing loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DURNS01]

59. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

60. All pumps used for any onsite dewatering operations shall be installed on the site in a location that will minimise any disturbance to neighbouring premises and be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0235]

61. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

[DUR0815]

62. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of the General Manager or his delegate.

[DUR0985]

63. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be coved to a radius of not less than 25 millimetres.

[DUR1495]

64. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices. [DUR1505]
65. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate. [DUR1545]
66. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary. [DUR2205]
67. Prior to any works commencing, appropriate measures are to be put in place to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event. [DUR2405]
68. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
69. All waters that are to be discharged from the site shall a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request. [DUR2435]
70. All works shall be undertaken in accordance with the Preliminary Acid Sulfate Soil Assessment and Management Plan and Dewatering Management Plan for 98-102 Minjungbal Drive, Tweed Heads South prepared by HMC Environmental Consulting Pty Ltd dated August 2006 (Report No. 2006.106A). [DURNS02]
71. All works shall be undertaken in accordance with the *Noise Assessment Report - Service Station Development, Minjungbal Drive, Tweed Heads* prepared by Noise Assessment Measurement Services Pty Ltd dated 1 August 2006 (Report No. 867). [DURNS03]
72. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]
73. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications. [DUR0005]

74. The concrete driveway across the footpath is to be constructed in accordance with the approved plan and be a minimum of 150 millimetres thick reinforced with F82 mesh. [DUR0105]
75. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
76. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]
77. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices. [DUR1415]
78. The concrete footpath is to be saw cut and removed to facilitate the construction of the concrete driveway access. [DUR1745]
79. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works. [DUR1795]
80. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
81. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed. [DUR1905]
82. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times. [DUR2015]
83. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
Additional inspections are also required by the Supervising Engineer after

each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

84. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

85. The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DUR2645]

86. The proponent shall notify Councils Engineering and Operations Division upon excavation of any disused sewer junction awaiting capping by Council.

[DUR2715]

87. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.

[DUR2595]

88. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR2675]

89. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

90. No filling to is be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0765]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

91. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

92. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.
[POC0225]
93. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.
[POC1045]
94. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.
[POC0615]
95. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations.
[POC0625]
96. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.
[POC0635]
97. A 2.6m acoustic barrier in accordance with 'Figure 2: Development site layout and recommended acoustic barrier' as detailed in the *Noise Assessment Report - Service Station Development, Minjungbal Drive, Tweed Heads* prepared by Noise Measurement Services Pty Ltd dated 1 August 2006 (Report No. 867) shall be installed prior to the use of the site.
[POCNS01]
98. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.
[POC0005]
99. Redundant road pavement, kerb and gutter or foot paving including and existing disused vehicular laybacks/driveways or other special provisions shall be reinstated in accordance with Councils adopted Development Design and Construction Specifications.
[POC0755]
100. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.
[POC0855]
101. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.
[POC0985]
102. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.
[POC1055]
103. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
-

- (a) Easements for sewer, water supply and drainage over ALL services on private property.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[POCNS02]

104. Prior to the issue of an Occupation Certificate a CCTV inspection of the public sewerage system including joints and junctions will be required to demonstrate that no damage has occurred during construction of the development or erection of the proposed block vapour barrier wall. Any defects identified by the inspection are to be repaired in accordance with Councils adopted Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[POCNS03]

105. All landscaping requirements shall be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision/Occupation Certificate, whichever occurs first.

[POCNS04]

USE

106. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0125]

107. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent premises.

[USE0225]

108. All externally mounted air conditioning units, generators, mechanical plant and equipment shall be acoustically treated where necessary or required to the satisfaction of the General Manager or his delegate so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.

[USE0235]

109. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

110. Any premises used for the storage, preparation or sale of food shall comply with the *Food Act* 2003, FSANZ Food Safety Standards 3.2.1, 3.2.2 and 3.2.3 and AS 4674 Design, Construction and Fit-out of Food Premises. [USE0835]
111. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements. [USE0845]
112. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. [USE0875]
113. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW. [USE1035]
114. All containers, whether or not empty, which contain or once contained potentially contaminated materials, mechanical parts and the like shall be stored to the satisfaction of Council's General Manager or his delegate. [USE1045]
115. The delivery of goods and the servicing of waste shall be restricted to between the hours of 7am to 6pm daily. [USENS01]
116. All drainage grates traversing trafficable areas shall be fixed to avoid generation of offensive noise. [USENS02]
117. Tyre pressure gauge shall be of a dial type only. Gauges that emit sound to notify that the required pressure has been achieved are not permitted. [USENS03]
118. Compliance with the provisions of AS 1940:2000 'The Storage and Handling of Flammable and Combustible Liquids'. [USENS04]
119. All external artificial lighting shall be shielded where required to the satisfaction of Council's General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises. [USE0205]
120. A backflow containment device will be installed adjacent to Council's water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owner's expense.
The duty manager of the facility is responsible to ensure price discounting does not result in traffic queuing onto Minjungbal drive or obstructing the cycleway, and if such queuing does occur, must take immediate action to remedy the problem. [USE1455]
121. The intensity of the illumination of the signage may be adjusted, if in the opinion of the General Manager or his delegate, it is deemed necessary. [USENS05]

122. A sign shall be located adjacent to the driveway stating '*Obstructing the footpath is an offense and drivers can be fined*'. The sign is to be clearly visible to drivers entering the site.

[USENS05]

GENERAL TERMS OF APPROVAL UNDER SECTION 10 OF THE WATER ACT 1912 (Licence to construct and use a work and to take and use water if any conserved or obtained by the work and to dispose of the water for the use of occupiers of the land)

1. Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department of Natural Resources. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
11. All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.

12. Works for construction of bores must be completed within such period as specified by the Department.
13. Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.
14. Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
15. Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
16. The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands
17. The work shall be managed in accordance with the constraints set out in the "Preliminary Acid Sulfate Soil Assessment & Management Plan, and Dewatering Management Plan" produced by HMC Environmental Consulting dated May 2006 as presented as Appendix D in the Statement of Environmental Effects for the proposed development.
18. The volume of groundwater extracted as authorised must not exceed 5 megalitres.
19. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
20. The licence shall lapse within six (6) months of the date of issue of the licence.

FOR VOTE - Unanimous

5 [PD-PC] Development Application DA06/0705 for a 2 Lot Subdivision and Erection of Dwelling and Swimming Pool on Each Lot at Lot 3 DP 214331, No. 13 Moss Street, Kingscliff

The following persons addressed the Planning Committee on this matter:

Mr Kevin Liddington
Mr Malcolm Rayward

P 17 COMMITTEE DECISION:

Administrator Willan
Administrator Boyd

RECOMMENDED that Development Application DA06/0705 for a 2 lot subdivision & erection of dwelling on each lot at Lot 3 DP 214331, No. 13 Moss Street Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos:
 - o SD01 Issue D, prepared by Neylan Group and dated 23/11/2006,
 - o SD02 Issue D, prepared by Neylan Group and dated 23/11/2006,
 - o SD03 Issue D, prepared by Neylan Group and dated 23/11/2006,
 - o SD04 Issue D, prepared by Neylan Group and dated 23/11/2006,
 - o TPO 4 prepared by Neylan Group and dated 04/05/06,
 - o TPO 5 prepared by Neylan Group and dated 04/05/06,except where varied by the conditions of this consent. [GEN0005]

2. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee. [GEN0045]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]

4. The subdivision is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications. [GEN0125]

5. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]

6. The Section 94 and Section 64 contributions applicable to this development, must be paid prior to the issue of a Subdivision Certificate or Construction Certificate for any dwelling construction, which ever occurs first. Payment of these contributions is not required prior to the issue of a Construction Certificate which covers civil works (ie - sewer and inter-allotment drainage works). [GENNS01]

7. Prior to commencement of work pursuant to this consent, a Construction Certificate shall be obtained for the following civil infrastructure works, which are NOT to be included with any Construction Certificate for dwelling construction;
- a) Construction of sewer main infrastructure to service the subdivision.
 - b) Construction of an inter-allotment stormwater drainage and ancillary On-site Stormwater Detention system to service the subdivision.
 - c) Provision of a water service connection for the new property.
Construction of driveway access within the Right-of-Carriageway.

[GENNS02]

8. The overall height of the fence situated on top of the retaining wall on the northern and southern boundaries shall be a maximum of 1.2m in height.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

10. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the

following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

[PCC0225]

11. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).
The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

[PCC0275]

12. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -
- a) Construction of a new footpath crossing servicing the development.
 - b) Removal of the redundant footpath crossing and replacement with kerb and gutter to match existing.
 - c) Provision of full width concrete path paving for the full frontage of the site to Hungerford Lane.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings
 - Stormwater drainage
 - Water and sewerage works
 - Sediment and erosion control plans
 - Location of all services/conduits
 - Traffic control plan
13. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval. [PCC0895]
- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks/pavement design/furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

14. Permanent stormwater quality treatment shall be provided in accordance with the following: [PCC0985]
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.

- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- (d) Specific Requirements to be detailed within the Construction certificate application include:
- (i) Shake down area along the haul route immediately before the intersection with the road reserve.
15. A construction certificate application for works that involve any of the following:-

[PCC1105]

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

16. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

17. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. OSD devices including discharge control pits (DCP) are to comply with standards in *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999"* except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP.

[PCC1165]

18. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.
19. Prior to the issue of any Construction Certificate for dwelling construction, all servicing requirements for the new lots must be completed to the satisfaction of Council. This is particularly relevant to sewer and stormwater provisions, but other services will also need to be addressed. [PCC1235]
20. Building works in the vicinity of Council's existing sewer main, and the proposed branch line, are to comply with the following requirements;
- a) All footings are to be located a minimum of 1m horizontally clear of the sewer main, such that the main is outside the zone of influence of all footings. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.
 - b) Earthworks in the vicinity of the sewer main must maintain a minimum 600mm clear cover over the pipe.
 - c) Any above-ground structures erected over the sewer main shall provide a minimum vertical clearance of 2.4m from finished ground level to the underside of the structure or any associated protrusion.
 - d) Retaining walls are only permitted over the public sewer at the site boundaries. The structure must be designed to provide structural bridging over the pipe, as specified by Council, so as not to impose load on the pipe and to allow excavation of the pipe without adverse affects on the wall's structural integrity and stability.
 - e) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, asphalt or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
 - f) Any fencing erected across the sewer main shall be designed and constructed with removable panels.
 - g) Any works to the public sewer main and/or sewer manhole located within the development site, including lowering of the manhole to match finished ground level, requires a separate application under s68 Local Government Act 1993 for approval prior to the issue of a Construction Certificate. [PCCNS01]
21. Any proposed On-site Stormwater Detention (OSD) system shall be separate to any stormwater quality treatment device intended for the site, unless specific approval is granted by Council for a combined system, prior to the issue of a Construction Certificate. [PCCNS02]
- [PCCNS03]

22. Prior to the issue of a Construction Certificate, the commitments as specified within the submitted Basix certificates shall be demonstrated on the DA plans. This is to be submitted to Council and be completed to the satisfaction of the Director of Planning and Development or his delegate. [PCCNS04]
23. A detailed plan of landscaping is to be submitted and approved by Council's Director of Planning & Development, or their delegate, prior to the issue of a Construction Certificate. [PCCNS01]
24. A comprehensive colourboard, detailing the materials and colours to be utilised for the external treatment of the building is to be submitted and approved by Council's Director of Planning & Development, or their delegate, prior to the issue of a Construction Certificate. [PCCNS01]
- 24A. Plans detailing the removal of the parapet wall associated with the lower half of the lower house are to be submitted for approval by the General Manager or his delegate.

PRIOR TO COMMENCEMENT OF WORK

25. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. [PCW0080]
26. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
- (ii) notified the principal certifying authority of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
27. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
28. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
- in the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
- the name of the owner-builder, and
 - if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- [PCW0235]
29. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]

30. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- [PCW0255]
31. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

- [PCW0775]
32. Sewer main, stormwater line or other underground infrastructure within or adjacent to the site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
- [PCW0965]
33. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.
- [PCW0985]
34. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is

to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

35. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.

[PCW0125]

36. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

37. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

38. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.

[PCW0705]

39. Subdivision work in accordance with a development consent must not be commenced until:-

(a) a construction certificate for the subdivision work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 by:

- (i) the consent authority, or
- (ii) an accredited certifier, and

(b) the person having the benefit of the development consent:

- (i) has appointed a principal certifying authority,
- (ii) has appointed a Subdivision Works Accredited Certifier in accordance with Development Control Plan No. 16, Appendix C, and
- (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and

(c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

[PCW0815]

40. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier shall be erected and maintained in a prominent position entry to the site in accordance with Councils adopted Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0825]

41. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

DURING CONSTRUCTION

42. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

43. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

44. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

45. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

46. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

47. If the work involved in the erection or demolition of a building:
(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
(b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

48. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

49. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

50. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2075]

51. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

52. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

53. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

54. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

55. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

56. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

57. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

58. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole.

[DUR2655]

59. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by Council's Director of Environment and Community Services.

[DUR0255]

60. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0645]

61. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
- [DUR0215]
62. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate.
- [DUR0225]
63. All pumps used for any onsite dewatering operations shall be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
- [DUR0235]
64. Practical measures to the satisfaction of the General Manager or his delegate are to be taken to acoustically shield all pumps used for dewatering operations to minimise any noise disturbance to neighbouring or adjacent premises.
- [DUR0265]
65. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
- [DUR0655]
66. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
- [DUR0815]
67. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
68. The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- [DUR2135]
69. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.
- [DUR2205]
70. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
Additional inspections are also required by the Supervising Engineer after

each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

71. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

72. All waters that are to be discharged from the site shall a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

73. The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DUR2645]

74. Construction of the right of carriageway with widths varying from 3m to 6.5m serving lots A and B, to a concrete standard, in accordance with the provision of DCP16 - Subdivision Manual and Councils Development Design and Construction Specification.

[DUR0055]

75. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the General Manager or his delegate.

Such to specifically include the following:

(a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0065]

76. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".
[DUR0785]
77. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.
[DUR0995]
78. A full width reinforced concrete footpath is to be constructed along the entire road frontage of the development to Hungerford Lane, from the property line to the back of the existing kerb in accordance with Councils adopted Development Design and Construction Specification.
[DUR1755]
79. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
[DUR1795]
80. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
[DUR1875]
81. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
[DUR1885]
82. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Appendix D, DCP16 - Subdivisions Manual based on the rates contained in Council's current Fees and Charges:-
Water Reticulation, Sewer Reticulation, Drainage
- (a) Excavation
 - (b) Bedding
 - (c) Laying/jointing
 - (d) Manholes/pits
 - (e) Backfilling
 - (f) Permanent erosion and sedimentation control measures
 - (g) Drainage channels
 - (h) Final inspection - on maintenance
 - (i) Off maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR1895]

83. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

84. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

85. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR2195]

86. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

87. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

88. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

89. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

90. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

USE

91. Swimming Pools (Building)

(a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).

(b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).

[USE1295]

92. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0125]

93. Any mechanically operated pumps, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.

[USE0235]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

94. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP5: 1 ET @ \$4598 \$4,598

Sewer Kingscliff: 1 ET @ \$6688 \$6,688

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0265/PSC0165]

95. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan: \$1,820
S94 Plan No. 4 (Version 4.0)

Sector6_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

\$Unit the unit cost attributed to maintaining a road as set out in
Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

(b) Open Space (Structured): S94 Plan No. 5	\$780
(c) Open Space (Casual): S94 Plan No. 5	\$167
(d) Shirewide Library Facilities: S94 Plan No. 11	\$688
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$131
(f) Community Facilities (Tweed Coast - North) S94 Plan No. 15	\$492
North Coast	
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$200
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$1,268.80
(i) Cycleways S94 Plan No. 22	\$352
(j) Regional Open Space (Structured) S94 Plan No. 26	\$2,327
(k) Regional Open Space (Casual) S94 Plan No. 26	\$855

[PCC0215/PSC0175]

96. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

97. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual and Councils adopted Design and Construction Specification.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

[PSC0735]

98. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
- a) Easements for sewer, water supply and drainage over ALL services on private property.
 - b) A Right of Carriageway and Easement for Services (for water) varying from 3m to 4m wide, burdening Lot A and benefiting Lot B.
 - c) A reciprocal Right of Carriageway totalling 6.5m in width and covering the area across the rear of both lots, for access and vehicular manoeuvring space.
 - d) An Easement to Drain Sewerage a minimum 2m wide, over the proposed new line, burdening Lot B and benefiting Lot A.
 - e) An Easement to Drain Sewerage 3m wide, over the existing 225mm dia. sewer main within Lot B, benefiting Council.
 - f) An Easement for Drainage 1.5m wide over Lot B and favouring Lot A, covering IAD requirements.
 - g) An Easement for Drainage and companion Restriction on Title over any stormwater quality treatment device or OSD system, with reciprocal rights for access and common maintenance requirements being shared by both lots.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0835]

99. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

100. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

101. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within DCP16, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

102. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (a) Compliance Certificate - Water Reticulation
- (b) Compliance Certificate - Sewerage Reticulation
- (c) Compliance Certificate Drainage - covering interallotment drainage works and On-site Stormwater Detention.

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and Councils adopted Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

103. The six (6) months Defects Liability Period commences upon the registration of the Subdivision Certificate.

[PSC0925]

104. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the public infrastructure sewerage system including joints and junctions will be required to demonstrate that the standard of the sewerage system is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils adopted Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

105. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with DCP16 - Subdivisions Manual, Councils adopted Development Design and Construction Specifications and the Construction Certificate approval.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act , 2000 to be certified by an Accredited Certifier.

[PSC1115]

106. The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

[PSC1165]

107. Electricity

(a) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and

(b) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[PSC1185]

108. The proposed lots shall be depicted numerically and not alphabetically.

[PSCNS01]

FOR VOTE - Unanimous

6 [PD-PC] Development Application DA06/1149 for an overpass associated with Tugun Bypass at Boyd Street and Cobaki

P 18 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that Development Application DA06/1149 for a Boyd Street overpass associated with Tugun Bypass at Boyd Street and Sandy Lane, Cobaki Lakes be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Boyd Street Statement of Environmental Effects dated September 2006 prepared by Parsons Brinckerhoff and Plan No. 3003181-BYD-010-1501 Issue 01 dated 22.9.06 and Plan No. 3003181-SK-440 Revision 02 dated 4.8.06.
[GEN0005]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]
3. All works for the proposed Boyd St overpass project are to be carried out in accordance with the Tugun Bypass Environmental Management Plan (Construction) for the Tugun Bypass Project (PP-034-CEMP).
4. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.
[PCC0285]
5. Permanent stormwater quality treatment shall be provided for all stormwater discharges into Tweed Shire and/or the Cobaki Lake catchment in accordance with the following:
 - (a) All road runoff shall be directed to approved stormwater treatment measures in the Tugun Bypass drainage system, provided there is demonstrated spare capacity in these devices to accept the additional flows; or

- (b) Stormwater treatment devices shall be installed in the overpass drainage system to treat road runoff for sediment, hydrocarbon, nutrient and gross pollutants. Proprietary treatment devices must be sized in accordance with Section D7.12 of Council's Development Design Specification D7 - Stormwater Quality, and must be capable of treating, as a minimum, all stormwater flows up to the ARI 3 month storm (deemed to be 40% of the ARI 1 year storm). Higher flows must not result in the remobilisation of captured pollutants from treatment devices.
- (c) an application under Section 68 of the Local Government Act shall be lodged with Council and shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development. [PCC1105]
6. Application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

7. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) Application under Section 68 of the Local Government Act is to be submitted to Council and must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". [PCC1155]

PRIOR TO COMMENCEMENT OF WORK

8. Prior to the commencement of work, the following detail shall be submitted to Council;

- (a) evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
- i. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - ii. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
 - iii. WorkCover Regulations 2000
- (b) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan.
- Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
- iii. Densely plant to suit the aspect/micro climate with preference to endemic native and exotic species. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv. Mulch heavily preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
- (c) A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to Council. Safe public access shall be provided at all times.
- (d) Copies of the following design detail shall be submitted to Council.
- i. detailed engineering plans and specifications. The detailed plans shall include:
 - earthworks
 - roadworks/pavement design/furnishings
 - stormwater drainage
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000

The applicant shall provide certification from an experienced engineer / engineers in the various disciplines confirming the works / structures comply with adopted standards and good engineering practice.

9. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

10. A Fauna Management Plan prepared by a qualified person and submitted and approved by Council's Environmental Scientist prior to commencement of work. The plan must describe measures to mitigate fauna mortality pre, during, and post construction and include:

- measures outlined within the Roads and Traffic Authority of NSW policies and guidelines to prevent fauna mortality during road construction and management;
- measures contained within the Tugun Bypass Construction Environmental Management Plans including pre clearing protocols for fauna;
- Provision of a dedicated fauna underpass under the western section of the proposed overpass in accordance with the Long-nosed Potoroo Integrated Plan of Management that will facilitate the movement of the Long-nosed Potoroo and threatened frog populations;
- construction and operational stage fauna exclusion fencing (including frog exclusion fencing) linking to fauna underpass structures where required and consistent with designs employed in the Tugun Bypass project; and
- ongoing maintenance regimes during construction.

11. A Flora Management Plan prepared by a qualified person and submitted and approved by Council's Environmental Scientist prior to commencement of work. The plan must describe existing vegetation and species within and adjacent the construction footprint and include:

- procedures for clearing of vegetation, limiting soil disturbance, and protecting adjacent terrestrial and aquatic vegetation and habitats;
- procedures for protecting wallum heath up to and adjacent fauna movement structures;
- landscaping and rehabilitation methods for disturbed areas implemented immediately following construction; and
- plans for replacing medium to large hollows where these are removed through vegetation clearing for the proposal.
- provision for compensatory Scribbly Gum Woodland planting and Compensatory Paperbark planting.

12. A draft Long-nosed Potoroo Integrated Plan of Management prepared in consultation with relevant stakeholders and a qualified wildlife biologist, and submitted to Council's Environmental Scientist prior to commencement of work. This plan must describe, but is not limited to:
 - fauna crossings and fauna exclusion fencing, predator control programs, fire management, and revegetation;
 - time lines and performance indicators for all management measures;
 - defined roles and responsibilities; and
 - reporting and review mechanisms, with specific provision for a 5 year public review.
 - design options for the construction of the future road incorporating management for the Long Nosed Potoroo.
 - the plan is to be finalised in accordance with the Tugun Bypass conditions of approval
13. An Acid Sulfate Management Plan submitted to Council and approved by Council's Environmental Scientist prior to commencement of work. Plans should specifically address changes in pH and activation of ASS resulting from the proposal which may potentially impact on adjacent sensitive terrestrial and aquatic vegetation, habitats, species and receiving waters.
14. A Heritage Management Plan submitted and approved by Council's Environmental Scientist prior to commencement of work. This plan must include an appropriate level of aboriginal consultation and engagement regarding Indigenous heritage mitigation measures.

DURING CONSTRUCTION

15. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

16. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

17. The proposed earthworks are to be constructed in accordance with the current RTA specifications and Australian Standards. Testing and Third Party Verification is to be undertaken by an independent party, and submitted to Council.

[DUR0795]

18. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles

• [DUR1005]

19. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

20. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered Consulting Engineer demonstrating.

- (a) That the pavement design has been carried out in accordance with RTA Design Specification and approved by Tweed Shire Council.
- (b) That the pavement materials to be used will comply fully with RTA Construction Specifications. Testing in accordance with RTA Specifications must be undertaken and submitted to Council.
- (c) That all site fill and pavement material is compacted in accordance with RTA specifications and the Test Results submitted to Council.
- (d) That supervision of Earthworks has been undertaken by a fully qualified Civil Engineer in accordance with RTA specifications.

[DUR1805]

21. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

22. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

[DUR2375]

23. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

24. Prior to the use of the structure/works Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual and Councils adopted Design and Construction Specification.

The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

- (a) the plans accurately reflect the Work as Executed.

[PSC0735]

25. The applicant shall provide Council with certification from an experienced engineer / engineers in the various disciplines confirming the works / structures comply with approved plans and specifications.

26. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council prior to the use of the proposed structure / works.

[PSC0855]

27. The proponents are to liaise with the Department of Primary Industries regarding the reinstatement of the border gate.

GENERAL TERMS OF APPROVAL FOR A LICENSE UNDER THE WATER ACT 1912

- Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.

- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
- The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
- If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
- All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
- Works for construction of bores must be completed within such period as specified by the Department.
- Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.
- Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.

- Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
- The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands
- The work shall be managed in accordance with the constraints set out in the electronic documentation provided to this Department by the Pacific Link Alliance Environmental Manager in the form of an email dated 2/2/07 at 11:00am.
- The work shall be managed in accordance with the constraints set out in the Statement of Environmental Effects for the proposed development produced by Parsons Brinkerhoff dated September 2006.
- The volume of groundwater extracted as authorised must not exceed 5 megalitres.
- The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
- The licence shall lapse within six (6) months of the date of issue of the licence.

DEPARTMENT OF LANDS CONDITIONS

1. Consent of the Department should be sought for the acquisition of any Crown land affected by the proposed works. Acquisition should proceed pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 prior to commencement of works.
2. No water should be drained or directed on to or diverted to Crown land either during or after construction of the proposed overpass or during operation of the road.
3. No clearing or damage to vegetation on Crown land or disturbance of soil on Crown land is permitted.
4. Crown land should not be used for access or any other purpose without authority.

FOR VOTE - Unanimous

7 [PD-PC] Development Application DA06/0847 for a 5 Lot Subdivision at Lot 22 DP 617126, No 26-30 Wollumbin Street, Tyalgum

The following person addressed the Planning Committee on this matter:

Mr Greg Dalla (owner)

P 19 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Development Application DA06/0847 for a 5 lot subdivision at Lot 22 DP 617126 No 26-30 Wollumbin Street, Tyalgum be deferred to allow further consultation between the applicant and Council officers.

FOR VOTE - Unanimous

8 [PD-PC] Draft LEP 2000 Amendment 75 – Reclassification of Land on Lot 1 DP1087664, Bottlebrush Drive, Pottsville

P 20 COMMITTEE DECISION:

**Administrator Willan
Administrator Turnbull**

RECOMMENDED that Council awards the contract DQ2006-120 Draft LEP 2000 Amendment 75 – Reclassification of Land on Lot 1 DP1087664 to LandPartners for the lump sum price of \$6,503.20 (including GST). (It was noted that the two highest scoring tenders were not considered because they were outside the financial capacity of the brief).

FOR VOTE - Unanimous

9 Development Application DA06/0266 for a Mortuary and Crematorium and LEP Amendment at Part Lot 704 DP 1000580, No. 9394 Tweed Valley Way, Chinderah

The following person addressed the Planning Committee on this matter:

Ms Vicki Leishman

P 21 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that: -

- A. The Director of Planning and Development, in accordance with instrument of authorisation to exercise delegation issued by the Director-General of the Department of Planning dated 16 August 2006, obtain any necessary advice from Parliamentary Counsel in respect of the draft Plan and prepare and furnish a section 69 report in respect of the draft *Tweed Local Environmental Plan 2000* (Amendment No. 83), as exhibited, to the Minister administering the *Environmental Planning and Assessment Act 1979* requesting that the Plan be made in accordance with Section 70 of the said Act.

- B. Upon gazettal of draft Amendment No. 83 to the *Tweed Local Environmental Plan 2000*, Development Application DA06/0266 for a mortuary and crematorium on Part Lot 704 DP 1000580, No. 9394 Tweed Valley Way, Chinderah be approved subject to the following conditions:

GENERAL

1. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]

2. The development shall be completed in accordance with the all relevant documentation referred to in the correspondence prepared by Jim Glazebrook & Associates and which is held on Council Files DA06/0266 and DA05/0036 and development plans nos. 2411-P2B, 2411-P3A and 2411-P4, prepared by 'The Cad Company' dated 26 February 2006, except where varied by the conditions of this consent.
[GEN0005]

3. All works shall comply with the Council approved Acid Sulfate Soils Management Plan for Minor Works.

4. Soils shall not be transported or removed outside the boundary of the property.

5. The facility shall be constructed and operated in accordance with the Public Health (Disposal of Bodies) Regulation, 2002 and the Guidelines for the Funeral Industry, NSW Health, 2002. The mortuary shall be constructed and operated in accordance with Part 4 of Schedule 2 of the Local Government (General) Regulation 2005.
[GENNS01]

6. The area where 'uncoffined' bodies are transferred from the vehicle reception area to the preparation room shall be screened from public view to the satisfaction of the Director Environment and Community Services.
7. At least one separate hand basin shall be provided that is hands free and provided with adequate hot and cold water.
8. Surfaces in relevant handling and processing areas shall be solid and impervious and easily cleanable.
9. The crematorium activities shall be separated from the existing facility. [GENNS02]
10. Vehicle corteges/processions to and from the site are prohibited. [GENNS03]
11. Advertising structures/signs to be the subject of a separate development application. [GEN0065]
12. Interment of ashes is not approved in this application.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. A Contamination Investigation report, prepared by a suitably qualified person, shall be provided to Council for approval by the Director Environment Community Services, and it is to clearly and unambiguously state whether or not the site is contaminated and the remediation measures required to ensure the site is suitable for the intended use if it is contaminated.
14. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan: \$9,531.90
S94 Plan No. 4 (Version 4.0)
Sector 6 - Kingscliff

[PCC0215]

15. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP2: 0.95408 ET @ \$4598 \$4,387

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0265/PSC0165]

16. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill and haul route together with documentary evidence that the fill material is free of any contaminants be submitted to Tweed Shire Council for approval by the General Manager or his Delegate.

[PCC0465]

17. The developer shall provide 30 parking spaces including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11. in addition to the parking requirements tabled within development consent 92/0209.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by Council prior to the issue of a construction certificate.

[PCC0065]

18. The site is to be filled to a minimum level of RL 3.6m AHD. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimizing the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0675]

19. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - stormwater drainage
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, Country Energy and Telstra)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

20. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section

D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximizing permeable / landscaped areas, stormwater retention / detention / reuse, and use of grass swales in preference to hard engineered drainage systems.

[PCC1105]

21. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

shall not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

22. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

PRIOR TO COMMENCEMENT OF WORK

23. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

24. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

25. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

26. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

27. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

DURING CONSTRUCTION

28. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

29. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

30. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:

(a) within each sole occupancy unit, located on or near the ceiling in any storey -

(i) containing bedrooms -

* between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and

* where bedrooms are served by a hallway, in that hallway; and

(ii) not containing any bedrooms, in egress paths; and

(b) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a building occupant warning system in accordance with Specification 2.2a(6) of the Building Code of Australia which states:

A building occupant warning system must comply with Clause 3.22 of AS 1670 to sound through all occupied areas -

A Certificate of Compliance is to be submitted to the PCA prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

[DUR1245]

31. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.

Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified.

[DUR1275]

32. Exits are to be provided so that no point on the floor of the building shall be more than 20 metres from:

(a) an exit; or

(b) a point from which travel in different directions to two exits is available in which case the maximum distance to one of those exits shall not exceed 40 metres.

[DUR1285]

33. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia and are to be installed. Mounting heights shall be in accordance with AS2293.1.

[DUR1295]

34. Emergency lighting to comply with Part E4.2 of the Building Code of Australia shall be provided. Details of the system to be used and a certificate from the electrical engineer to certify that the system will comply with all relevant requirements of Part E4.4 of the Building Code of Australia and AS 2293.1 are to be submitted to the PCA prior to installation.

[DUR1305]

35. Doors forming exits, paths of travel to exits and parts of exits shall comply with the relevant provisions of D2.19 and D2.20 of the Building Code of Australia.

[DUR1315]

36. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the

deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

37. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

38. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

39. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

40. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

41. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- * 50⁰C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

42. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

43. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

[DUR0755]

44. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council's General Manager or his Delegate.

[DUR0985]

45. All work associated with this approval is to be carried out so as to minimise any impacts on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind
- Construction, operation and where relevant, the decommissioning of the development

[DUR1005]

46. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.

[DUR1605]

47. The walls and floors of the premises must be lined, sealed or sheeted with an approved smooth impervious material capable of being easily cleaned.

[DUR1615]

48. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR2185]

49. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter approved by the Director Environment and Community Services.

[DUR2215]

50. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

51. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

52. The On-site Sewage Management System shall be installed in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act 1993.

[DUR2775]

53. A certificate is to be submitted by a Registered Surveyor certifying that all floor areas are constructed above 3.7 metres AHD. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceeding past floor level to ensure that the floor is above flood level.

[DUR1365]

54. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.

[DUR1395]

55. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

56. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

57. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

58. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

59. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.

[POC0515]

60. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.

[POC0525]

61. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

62. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

63. All wastes, chemicals and fertiliser shall be collected, stored and disposed to the satisfaction of the Director Environment Community Services. Materials shall not be permitted to flow or percolate to any watercourse.

69. Hours of operation shall be limited to:
- * Mortuary - 24 hours per day, 7 days per week
 - * Crematorium - 7 days per week, 9.00am-9.00pm
 - * Private ceremony as for crematorium.
 - * No operations are to be carried out on Sundays or Public Holidays
 - * All deliveries and pickups relating to the business are to occur within the approved hours
64. Mortuary waste water only shall be directed to the proposed separate on-site sewerage management facility. All toilet wastes shall be directed to the existing system.
65. All clinical wastes shall be collected, stored and disposed via the Council approved clinical waste collection service.
66. The crematory shall be kept clean, tidy and in good working order at all times.
67. Gaseous discharges from any stack or cremation process shall not be permitted to impact the amenity, including by way of visible emissions, of the area and shall comply with Schedule 6 of the Protection of the Environment operations (Clean Air) Regulation 2002
[USENS01]
68. No residential or caretakers residence is approved by this consent.
69. No places of assembly or area of public ceremony or the like is approved by this consent, except for private ceremony within the 'Melaleuca Room'
[USENS02]

USE

70. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
[USE0125]
71. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
[USE0135]
72. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
[USE0155]
73. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that

the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises.

[USE0205]

74. All plant and equipment installed or used in or on the premises: -

- (a) Must be maintained in a proper and efficient condition, and
- (b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

75. The premises shall be maintained in a clean and tidy manner.

[USE0965]

76. A sharps container shall be provided for the storage of used disposable needles in any skin penetration process. The sharps container shall be collected by an authorised medical waste collection service to the satisfaction of Council's General Manager or his delegate.

[USE1025]

GENERAL TERMS OF APPROVAL UNDER PART 5 OF THE WATER ACT 1912

General Conditions

The purposes of these conditions are to -

- define certain terms used in other conditions
- specify the need to obtain a license, permit or authority before commencing any works
- specify that, in most cases an approval will only be issued to the occupier of the lands where the works are to be located (as required by the Water Act)
- require existing approvals to be cancelled or let lapse when a license is issued (if applicable)
- require the safe construction and operation of all works
- require the use of appropriate soil conservation measures
- limit vegetation destruction or removal to the minimum necessary
- require the separate authorisation of clearing under the NVC Act
- allow conditions to be imposed for management of fuel (petroleum)
- require the payment of fees on the issuing of an approval

In the following conditions relating to an approval under the Water Act 1912:

"the Department" means the Department administering the Water Act 1912;

"approval" means a license, permit, authority or approval under that Act;

"river" has the same meaning as in Section 5 of the Water Act 1912;

"work" means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in Section 5 and 105 of the Water Act 1912;

"controlled work" means any earthwork, embankment or levee as defined in Section 165 of the Water Act 1912.

- Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
- The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
- Any license so issued, from the date of issue, will be subject to Annual Cost Recovery Water Management Charges as set by the Independent Pricing and Regulatory Tribunal.

Conditions relating to water entitlements

The purposes of these conditions are to -

- allow rules for water transfers to be applied
- specify an annual entitlement (regulated and unregulated streams)

- allow the placement of limitations as to when water may be taken to ensure a flow remains for other users and the environment (unregulated streams)
- A transfer of an entitlement shall be subject to the provisions of the Water Act 1912 the regulations made thereunder and the transfer rules applying at the time of application as determined by the Department
- The authorised annual entitlement will not exceed 1 megalitre.
- Extraction of water under the approval to be issued shall be subject to conditions with regard to availability of supply and such restrictions as are deemed necessary by the Department from time to time to ensure an adequate flow remains for other water users and the environment.

Conditions for water use

The purposes of these conditions are to -

- allow the department obtain an accurate measure of water use where necessary
- specify the purpose(s) for which the water may be used
- specify conditions to protect water quality and the environment
- ensure proper management of tailwater drainage
- ensure accessions to groundwater systems are restricted.
- If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
- All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
- The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands

Conditions for Bores and Wells

See also "general conditions" and "conditions for water use"

The purpose of these conditions are to -

- set a limited time for bore construction
- allow DIPNR access for inspection and testing
- specify procedures if saline or polluted water found
- specify procedures if the bore is abandoned
- require advice if water found
- specify the volumetric allocation for each purpose of the entitlement
- identify lands that may be irrigated

- specify the volumetric allocation for the works purpose
 - allow DIPNR to alter the volumetric allocation at any time
 - Works for construction of bores must be completed within such period as specified by the Department.
 - Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.
 - Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
 - Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
 - The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands
 - The work shall be managed in accordance with the constraints set out in the "Tweed Shire Council Minor Works Acid Sulfate Soil Management Plan" as detailed in Appendix F of the Statement of Environmental Effects produced by Darryl Anderson Consulting Pty Ltd dated January 2005.
 - Dewatering shall be undertaken for a maximum period of 2 days only (Should a longer duration be required, a groundwater management plan shall be developed for water disposal)
 - The licensee shall inform a DIPNR Hydrogeologist (at the Grafton office on 02 6640 2000) a minimum of 5 days prior to the commencement of dewatering.
 - The volume of groundwater extracted as authorised must not exceed 1 megalitres.
 - The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
 - The licence shall lapse within three (3) months of the date of issue of the licence.
- C. The owners of the land be advised that the peak flood level for this locality is 7.0m AHD for the probable maximum flood and they should consider the potential flood impacts in relation to the proposed new facilities.

FOR VOTE - Administrator Turnbull, Administrator Willan
AGAINST VOTE - Administrator Boyd

P 22 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RESOLVED that the Committee resumes in Open session.

FOR VOTE - Unanimous

18 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the recommendations of the Planning Committee held Tuesday, 13 February 2007 be adopted.

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for Community Access at 5.42pm.

RESUMPTION OF MEETING

The Meeting resumed at 5.47pm

OPERATIONS COMMITTEE

19 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that Council resolves itself into the Operations Committee under the Chairmanship of Administrator Willan.

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

1 [OGM-OC] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - October to December 2006

O 24 COMMITTEE DECISION:

Administrator Willan
Administrator Turnbull

RECOMMENDED that:

1. This report be received and noted.
2. The General Manager requests TEDC to provide information in relation to its economic modelling line of business as a separate item in its accounts.
3. The General Manager ensures consistency with Council's and TEDC's accounting systems and format of presentation.

FOR VOTE - Unanimous

2 [OGM-OC] Australian Tourism Export Council (ATEC) Conference - April 2007

O 25 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that:-

1. Council approves the sum of \$12,000 be allocated to Tweed Tourism Inc. for the purpose of filling the site at Jack Evans Boatharbour to allow erection of the marquee for the Australian Tourism Export Council (ATEC) Conference in April 2007.
2. The funds be provided from the Tourism budget within the Economic Development program.

FOR VOTE - Unanimous

3 [TCS-OC] AusIndustry - Regulation Reduction Incentive Fund (RRIF)

O 26 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. Council accepts the funding grant of \$53,852 from the Local Government Shires Association NSW (LGSA), as the broker for the Rockdale City Council consortium, which forms part of the AusIndustry's Regulation Reduction Incentive Fund (RRIF); and
2. Council votes the expenditure.
3. The General Manager reports to Council on the outcomes of the funding grant, in due course.

FOR VOTE - Unanimous

4 [TCS-OC] Tweed Valley CTC Grant Funds Advance

O 27 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:-

1. Council enters into a signed agreement with the Uki Community Technology Centre to advance \$7,000 to complete a marketing/business plan for the Uki Heritage River Walk.
2. Council's Manager Community and Cultural Services is to authorise all disbursements from the \$7,000 Council advance.

FOR VOTE - Unanimous

5 [TCS-OC] Corporate Quarterly Report - October to December 2006

O 28 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that the Corporate Quarterly Report for the period 1 October 2006 to 31 December 2006 be received and noted.

FOR VOTE - Unanimous

6 [TCS-OC] Quarterly Budget Review - 31 December 2006

O 29 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

RECOMMENDED that:-

1. The Quarterly Budget Review Statement as at 31 December 2006 be adopted.
2. The expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2007.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating – Materials, Contracts, Labour	781,365	
Capital	1,098,150	
Transfers to Reserves		
	1,879,515	
<u>Income</u>		
Operating - User Charges & Fees		259,513
Operating - Grants & Contributions		
Capital - Grants & Conts		681,514
Loan Funds		
Recoupments		138,000
Transfers from Reserves		800,488
Asset Sales		
		1,879,515

Net Surplus/(Deficit) 0

Description	Change to Vote	
	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating - Materials, Contracts, Labour		
Capital	239,913	
Loan Repayments		
Transfers to Reserves		74,003
	165,910	
<u>Income</u>		
Recoupments from s64/s94 funds		5,997
		53,839
Transfers from Reserves		106,074
		165,910
Net Surplus/(Deficit)		<u>0</u>

Sewer Fund		
<u>Expenses</u>		
Operating - Materials, Contracts, Labour	0	
Capital	358,826	
	358,826	0
Income		8,970
Recoupments from s64/s94 funds		166,913
Transfers from Reserves		182,943
Asset Sales		0
	0	358,826
Net Surplus/(Deficit)		<u>0</u>

FOR VOTE - Unanimous

7 [TCS-OC] In Kind Register - October to December 2006

O 30 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. Council notes total donations of \$50,068.34 for the period October to December 2006.
2. In-kind donations be recorded in the Community Services section of the Statutory Annual Report.

FOR VOTE - Unanimous

8 [TCS-OC] Monthly Investment Report for Period Ending 31 January 2007

O 31 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 January 2007 totalling \$113,731,631.68 be received and noted.

FOR VOTE - Unanimous

9 [EO-OC] Oxley Cove River Bank Open Space - Motor Vehicle Access Restriction

O 32 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Under section 122 of the Roads Act, 1993 Council regulates the traffic on River Road, Banora Point by means of a gated structure located approximately 85m east from the intersection of River Road and Old Ferry Road;

2. Council advertises the regulation of traffic on River Road, Banora Point in the Tweed Link.

FOR VOTE - Unanimous

10 [EO-OC] Overall Drive, Pottsville Waters - Culvert Failure

O 33 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. The failed box culvert be removed and replaced with pipe culverts at a higher invert level.
2. The floodgates be re-installed on the water quality pipe culverts.
3. The project be funded through the 7 Year Plan Drainage Rehabilitation Program plus the Waterways Rivers and Canals Program.

FOR VOTE - Unanimous

11 [EO-OC] Provision of Sewerage - Wardrop Valley - Lot 1 in DP 1069561

O 34 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council accept the quotation from Les & Jim Dickinson for \$56,460 to increase their proposed sewage pump station from 2.0m diameter to 3.0m diameter;
2. Council votes \$76,000 from the Land Development Fund for provision of advanced sewerage infrastructure.

FOR VOTE - Unanimous

12 [EO-OC] Acquisition of Land for Road Widening - Tweed Coast Road, Chinderah

O 35 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:-

1. Council approves the acquisition of road widening affecting Lot 1 DP 781709 by private treaty under registered plan DP 1107697;
2. That Lot 1 DP 1107697 be transferred to the owner of Lot 2 DP 1107696, formerly Lot 1 DP 781709 as part compensation for the acquisition; and
3. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

13 [EO-OC] Land Acquisition for Road Purposes - Tweed Coast Road

O 36 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:-

1. Council approves the acquisition by agreement of Lot 1 in DP 1106447 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Council approves the acquisition of Lots 2 and 3 in DP 1106447 for public road, without agreement from the landowner, under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
3. Lots 1, 2 and 3 in DP 106447 be dedicated as road following gazettal of the acquisition; and
4. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

14 [EO-OC] Tweed Shire Family Day Care - Licence to Occupy Land, Recreation Street, Tweed Heads

O 37 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council approves entering into a Licence Agreement with Tweed Shire Family Day Care Centre for a term of twenty (20) years at a rental of \$1.00 per annum; and
2. All documentation be executed under Common Seal of Council.
3. This item be noted in the Statutory Annual Report.

FOR VOTE - Unanimous

15 [EO-OC] Notice of Withdrawal of Proposal to Compulsorily Acquire Land - Dulguigan Road, North Tumbulgum

O 38 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Resolves to not pursue the compulsory acquisition of river foreshore land containing the old ferry ramp on Dulguigan Road, North Tumbulgum;
2. Seeks the removal of the ferry ramp from the Schedule of Licence Agreement L317922 with the Department of Lands.

FOR VOTE - Unanimous

16 [EO-OC] Section 94 Plan No. 18 - Council Administration Offices and Technical Support Facilities, 2005/25 Amendment

O 39 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council adopt draft version 2.1 of the Section 94 Plan No. 18 - Council Administration Offices and Technical Support Facilities as a basis for exhibition and community discussion.
2. Draft Section 94 Plan No 18 - Council Administration Offices and Technical Support Facilities Version 2.1 be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace the existing Version.

FOR VOTE - Unanimous

17 [EO-OC] Murwillumbah Memorial Swimming Complex and Car Park

O 40 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

18 [EO-OC] Traffic Master Plan for Boyd Street Precinct, Tugun and Surrounding Areas

O 41 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council convenes a meeting with the Queensland Department of Main Roads, NSW Roads & Traffic Authority and the Gold Coast City Council to prepare a master plan for the border sections of the Pacific Highway between Kennedy Drive and Stewart Road. The master plan is to consider:-

1. Configuration of the northern section of the Tugun Bypass adjacent to Cobaki Lakes (NSW), Tugun (Qld) and adjacent urban arterial roads.
2. Optimising freeway interchanges to provide appropriate levels of service on both the freeway and adjacent urban arterial roads and to ensure there is adequate connectivity to the proposed Tugun Railway station, Coolangatta airport and John Flynn hospital as well as adjacent Cobaki Lakes and Tugun urban areas.
3. Whether the Boyd Street overpass should be upgraded to a full interchange.

FOR VOTE - Unanimous

19 [EO-OC] Kallaroo Circuit Bund - Dispute with Byron Shire Council

O 42 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:-

1. Endorses Scenario 13 being the retention of the existing twin 900mm culverts at invert level 0.2mAHD and the addition of a 3 cell 4.8m wide x 1.5m high box culvert structure with an invert level of 1.0mAHD in the Kallaroo Circuit Bund.
2. Requests the Minister for Local Government to ensure that Byron Shire Council meets the milestone completion dates in its proposed program for remediation of the bund issue and that if these milestones are not met that the Minister removes approval and control of the project from Byron Shire Council and vests this in statutory authorities who will ensure speedy completion of the project (see paragraph 4 below).
3. Notes there still remains a lengthy process of obtaining LEP amendment, DA approval, detailed design and construction of the works before the project is finished. Tweed Shire Council had a similar agreement in 1996 which failed after many years to be executed. On this occasion Council will be relying on the powers of the Minister for Local Government and Section 742 of the Local Government Act to ensure that Byron Shire Council meets its commitments and finishes the bund remedial works by November 2007.
4. Notes the following timetable for future milestones for the resolution of this matter:

Item	Action	Proposed completion date
1	Following the public exhibition stage, complete LEP amendment process.	End of June 2007
2	Prepare a consultants brief for the engineering design for the bund upgrade.	Mid February 2007
3	Engage consultant to complete engineering design for the bund upgrade.	Mid March 2007
4	Complete engineering design for the bund upgrade.	End of April
5	Prepare a Development Application for the construction of the upgraded bund	End of May 2007
6	Construction	End of November 2007

FOR VOTE - Unanimous

20 [EC-OC] NSW Ministry Grants

O 43 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Accepts the NSW Ministry for the Arts grants for the Art Gallery and Museum of Visual Arts & Crafts (\$40,000), Museum (\$50,559) and Capital Infrastructure Museums (\$150,000).
2. Executes all documentation under the Common Seal of Council.
3. Votes the expenditure.

FOR VOTE - Unanimous

21 [EC-OC] Request for "In Kind" Support/Waive Fee

O 44 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:-

1. With reference to the request from Murwillumbah Community Centre Inc, Council provides the Murwillumbah Civic Centre for a reduced fee of \$99 being 50% of the full fee of \$198 for the trivia night to be held on 24 February 2007 and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".
2. With reference to the request from Kids Alive Do the Five, Council provides the Murwillumbah Civic Centre free of charge for the 2007 National Drowning Prevention Campaign to be held on 29 February 2007, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".
3. With reference to the request from North Coast Area Health Service, Murwillumbah District Hospital, that Council provides the Murwillumbah Civic Centre for the bi-annual revue to be held on 17-19 May 2007 for a reduced fee of \$297 being 50% of the full fee of \$594 and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

FOR VOTE - Unanimous

22 [EC-EO] Markets on Public Land - Sale of Food and Drinks

O 45 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Varies the current Policy to permit the operation of four (4) only approved food vans which sell conventional foods and drinks at the markets at Recreation Street, Tweed Heads and make no change in relation to the other markets.
2. Advertises the proposal to increase the number of food vans permitted at the Kingscliff Market from two (2) to four (4).

FOR VOTE - Unanimous

23 [EC-OC] Entomological Control Report for period November 2006 to January 2007

O 46 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O 47 COMMITTEE DECISION:

Administrator Willan
Administrator Boyd

RESOLVED that the Committee resumes in Open Council.

FOR VOTE - Unanimous

20 **COUNCIL DECISION:**

Administrator Willan
Administrator Turnbull

RESOLVED that the recommendations of the Operations Committee held Tuesday, 13 February 2007 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

21 **COUNCIL DECISION:**

Administrator Boyd
Administrator Turnbull

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

LATE ITEM

22 COUNCIL DECISION:

Administrator Willan
Administrator Boyd

RESOLVED that the Administrator's Minute, being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

[AM] Tweed Valley Respite Services

23 COUNCIL DECISION:

Administrator Turnbull
Administrator Boyd

RESOLVED that Council indicates to Tweed Valley Respite Service that it is prepared to be a partner in the funding application for a Dementia Resource Centre by providing the use of the land for the construction of the centre adjoining to the existing respite cottage at Kingscliff and assist during the project by providing advice and access to relevant information.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Nil.

ORDERS OF THE DAY

1 [NOM] Climate Change

24 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that:-

- a. Council urgently reviews its operations to ascertain what Council can do to meet the challenges of climate change; and
- b. Reports be brought forward with recommendations as to what specific actions can be implemented by Council to play its part in reducing the consequences of climate change.

FOR VOTE - Unanimous

2 [NOM] Pacific Highway - Sextons Hill

25 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Council requests the NSW Roads and Traffic Authority to construct an effective temporary barrier in the median of that section of the Pacific Highway over Sextons Hill where many accidents and fatalities have occurred.

FOR VOTE - Unanimous

3 [NOM] Pollution - Cobaki Broadwater

It is understood that on or around 22 January 2007, possibly polluted waters from a culvert dewatering operation were discharged into a drain leading to the Cobaki Broadwater.

26 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that Council requests a briefing from the NSW Department of Environment and Conservation in regard to this incident and the Department's regulatory control to ensure compliance with the approved Tugun By-pass Environmental Management Plan.

FOR VOTE - Unanimous

4 [NOM] Removal of Derelict and Unregistered Cars and Trucks and Abandoned Machinery

27 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Council undertakes an ongoing campaign to get rid of all derelict and unregistered cars and trucks and abandoned machinery in Tweed Shire in order to eliminate it as sources of chemical and visual pollution.

FOR VOTE - Unanimous

QUESTION TIME

[QT] Provision of Support - Disabled Services

Administrator Willan

Requested an update, specifically on the provision of disabled services within the Shire.

The Director Environment & Community Services advised that the Department of Ageing, Disability & Home Care (DADHC) had requested a meeting with Council regarding the Tweed Community Options service and as part of the meeting dealt with complaints that they had received regarding the service. Since that meeting a letter has been received advising that:

"It is clear that one primary driver for the complaint is a shift in the model of service provided by Tweed Community Options Service. I understand that this is designed to bring Tweed Community Options Service's practice in line with the program guidelines and better reflect the target group demographics."

The letter also refers to the NSW Government's 10 year disability services plan.

The Director further advised that it is anticipated that DADHC will respond directly to the families concerned and that they have undertaken to carry out the community consultation process requested by Council in its resolution of 23 January 2007.

28 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that Council resolves itself into a Confidential Committee of the Whole.

FOR VOTE - Unanimous

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

1 [EO-CM] Boundary Adjustment - Lot 2 & 3 DP 1075645 - Tweed Coast Road, Chinderah

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C 8 COMMITTEE DECISION:

That Council signs the plan of subdivision and section 88B instrument effecting a boundary adjustment between Lots 2 and 3 in DP 1075645 and the creation of an Easement for Drainage Variable Width over the drain on the eastern boundary of Lot 3 under Common Seal of Council.

FOR VOTE - Unanimous

2 [EO-CM] Acquisition of 69-71 River Street, Murwillumbah - Voluntary Purchase Scheme under the 2006/2007 Regional Flood Mitigation Program

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

C 9 COMMITTEE DECISION:

That:-

1. Council approves the commencement of negotiations with the landowner to acquire 69-71 River Street, Murwillumbah for an amount to be agreed upon;
2. Upon completion of negotiations that Council enters into a private treaty agreement to acquire the land, and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

3 [EO-CM] EC2006-160 Extensions to Murwillumbah Civic Centre

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 10 COMMITTEE DECISION:

That:-

1. Council awards the contract EC2006-160 Extensions to Murwillumbah Civic Centre to C. T. Edmed Construction Pty Ltd for the lump sum price of \$1,425,067.27 excluding GST.
2. The Director Engineering and Operations conduct further negotiations with C. T. Edmed Construction Pty Ltd with a view to reduce Contract costs and be given delegated authority to approve any such reduction in costs.
3. The Director Engineering and Operations be given delegated authority to approve variations up to \$150,000 above the initial contract price.

FOR VOTE - Unanimous

29 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the recommendations of the Confidential Committee of the Whole be adopted.

FOR VOTE - Unanimous

FAREWELL

Council thanks Administrator Turnbull for her contribution to Council, whilst serving as an Administrator.

There being no further business the Meeting terminated at 6.20pm.



Minutes of Meeting Confirmed by Council
at Meeting held

Chairman

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